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SERBIA AND MONTENEGRO ANTI-TRAFFICKING ASSESSMENT FEBRUARY 28 – MARCH 12, 2005

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List of Abbreviations

ABA/CEELI	American Bar Association/Center European and Eurasian Law Initiative
AT	Anti-trafficking
ATC	Anti-trafficking Center
CRDA	Community Revitalization through Democratic Action
IO	International organization
IOM	International Office of Migration
GOM	Government of Montenegro
GOS	Government of Serbia
MWL	Montenegrin Women's Lobby
NGO	Non-governmental organization
NPA	National Plan of Action
OSCE	Organization for Security and Cooperation in Europe
RHC	Reproductive Health Center
SAM	Serbia and Montenegro
Sida	Swedish International Development Agency
SOW	Scope of Work
TIP	Trafficking in persons
VDC	Victimology Society of Serbia
WSH	Women's Safe House

Executive Summary

Both Serbia and Montenegro have significantly increased their response to trafficking in persons over the past few years. The resources dedicated to this fight have included the establishment of full-time police units, government coordination agencies, support for shelter services, and increased public awareness initiatives. Despite these efforts much remains to be done. While the overall scope of the trafficking problem remains unknown, the number of reported cases has declined over the past few years. What is unclear is whether the phenomenon has actually decreased or, more likely, been driven “underground” due to increased police efforts and public attention. In Serbia during 2004 the police identified 43 victims, 27 of which were foreigners and eight minors. One of the prominent anti-trafficking NGOs, ASTRA, assisted 68 persons, 13 of whom were foreigners and 38 minors. During 2004 in Montenegro approximately 18 people were accommodated in the two trafficking shelters and 6 court cases were filed against 18 alleged traffickers. As efforts increase to combat trafficking, traffickers modify their techniques and find better methods of concealing their activities.

During 2004 in Serbia there was a trend toward more domestic victims and more children involved in trafficking. Reports indicate that traffickers have changed their treatment of victims, often giving women part of the profits from sexual exploitation and providing them with more freedom of movement. The level of violence used against victims seems to have decreased in an effort to maintain their cooperation. Also, technological advances have provided recruitment avenues for traffickers through the use of the internet and text messaging. In Montenegro, more foreign victims were found in 2004, though most of the domestic victims were from Serbia. Poor, rural girls and young women appear to be primary targets of traffickers in Montenegro. During the year four Ukrainian men were also found to have been trafficked for labor exploitation. These men were accommodated in the government shelter and repatriated to Ukraine. A criminal case against four alleged traffickers in this case is currently being pursued by the special prosecutor for organized crime.

NGOs in both Serbia and Montenegro have taken on the primary responsibility for providing shelter services and most of the public awareness initiatives. A number of structures have been developed in both republics to provide coordination among government, NGOs, and international organizations. In Serbia a full time agency for Coordination of Protection of Victims of Trafficking has been formed as well as full time anti-trafficking units within the organized crime police and the Border Police. These police units supplement the anti- trafficking in persons (TIP) teams in each of the 26 police secretariats throughout the country. A ministerial-level TIP advisory council also oversees anti-trafficking efforts and a National Action Plan is currently being finalized in accordance with international standards. In November 2003, the Government of Montenegro adopted the Strategy to Fight against Trafficking in Human Beings as an official document and in November 2004 they appointed a National Coordinator for anti-trafficking efforts. A project board made up of representatives of various ministries and government offices, local NGOs and international organizations work together to coordinate their activities and develop action plans. In both republics numerous international instruments as well as amendments to national laws have been adopted to combat trafficking.

In both republics two groups were noted as the weak link in combating trafficking – the judiciary and the Centers for Social Work. Both groups lack expertise on the subject matter and often do not respond appropriately to victims. There is a lack of understanding as to how and why individuals have been victimized and therefore, a lack of appropriate responses to their needs. While public awareness campaigns have increased the public's knowledge, there remains a disinterest in or a general belief that trafficking does not happen to local women. In order to fill these gaps it is recommended that activities with current USAID partners be extended. Some of the recommendations include:

- Prevention – increasing awareness more broadly and changing public perceptions; reaching out to target groups that are most vulnerable.
- Protection – increasing the capacity of the Centers for Social Work to respond to all forms of violence; providing safe migration support for the large number of young people who want to migrate abroad.
- Prosecution – supporting the training of judges to sensitize them to gender issues, particularly trafficking and how to protect victims.

A number of anti-trafficking efforts are underway with the support of various international organizations, many of which focus on police response. However, the judiciary and Centers for Social Work were identified as the weak points in anti-trafficking efforts and therefore, those most in need of assistance. Through on-going efforts with current USAID partners including ABA/CEELI, ASTRA and IOM in Serbia and the Montenegrin Women's Lobby, IOM, and OSCE activities in Montenegro, a firm foundation exists from which to expand activities to fill these gaps.

SECTION I

Assessment Methodology

At the request of USAID/Serbia and Montenegro (SAM), an anti-trafficking assessment was conducted from February 28 – March 12, 2005 through the anti-trafficking technical assistance task order. This task order is managed by Chemonics International Inc. as a holder of the Women in Development Indefinite Quantities Contract (IQC) which is funded through the EGAT/WID office. The purpose of the assessment was to carry out a review of the scope of the trafficking situation and anti-trafficking programs in the two republics. The primary objective was to synthesize the existing body of knowledge and pinpoint gaps, identify and evaluate any donor and government funded activities, and determine what, if any, trafficking in persons (TIP) related activities USAID should implement in Serbia and Montenegro (SAM). The specific objectives were to conduct an assessment of TIP in SAM that would:

- provide USAID/SAM with a compilation of available information and data on the nature and magnitude of the phenomenon based on a literature review and interviews with local stakeholders, including if possible gender, geographic, and economic issues.
- assess development activities and organizations involved in addressing TIP; and assess government efforts to address TIP in the two republics and identify country-level priorities and gaps.

Prior to arrival in SAM, the team carried out a comprehensive review and analysis of pertinent literature and documents and indicated who the team wanted to meet with during the assessment and what kind of information they wanted to access. Upon arrival the team met with the Mission for an initial briefing and discussion of the content and deliverables associated with the Scope of Work (SOW). A power point presentation was provided detailing background information on the current trafficking situation and the methodology for the assessment. Numerous interviews with NGOs, international organizations (IOs), government officials, and other relevant actors were conducted in both Serbia and Montenegro. A power-point debrief was conducted at the conclusion of the assessment, in coordination with a gender assessment team that was working simultaneously with USAID/SAM. The presentation included a focus on the scope of the trafficking situation, trends, positive developments, challenges, and recommendations in each of the three P's (prevention, protection and prosecution). Separate power point presentations were provided for Serbia and Montenegro.

This report represents the findings of the assessment and includes separate sections for both Serbia and Montenegro. The report addresses the scope of trafficking, the trends, the strengths and challenges, and the recommendations for each republic. A list of those interviewed, sources consulted, and a chart of stakeholder activities is also included.

The assessment team consisted of the Chief of Party for the USAID/WID Anti-trafficking Technical Assistance task order, Teresa Cannady and a local consultant, Milica Minic.

SECTION II

Scope of the Trafficking Situation

A1. Background - Serbia

The Republic of Serbia is a source and transit country for women and girls trafficked internally and internationally for the purposes of sexual exploitation and begging. Prior to Serbia's economic downturn in the early 1990s, it was predominantly a destination country for TIP victims. Women victims found in Serbia mostly come from SAM, the Ukraine, Romania and Moldova. In 2004, women trafficked from Georgia, Albania and Croatia were also found in Serbia. The majority of child victims come from Serbia and Montenegro (SAM); and in 2004, there were two children from the Ukraine and one from Bulgaria. More than 50 percent of Serbian victims came from the northern province, Vojvodina, mostly from rural areas and "troubled" families.

Although previously there was a lack of knowledge and data on the scope of the trafficking situation, a 2003 change in the criminal code punishing TIP as a separate offense, has shed new light on the problem. The NGO Victimology Society of Serbia (VDS) estimated the total number of trafficking victims at about 1000 during 2002-2003, while the NGO ASTRA identified 68 trafficking victims in 2004; of the 68 victims, 13 were foreigners and 38 were minors. The government Agency for the Coordination of Protection of Victims of Trafficking registered 43 victims between its founding in late March 2004 and the end of February 2005; 20 were foreigners and 19 were minors.

In the last year, the GOS has made significant improvement in its AT performance, and has demonstrated serious and sustained efforts to investigate TIP cases (while trial outcomes have improve somewhat). Its role in coordinating victim's assistance and active participation in prevention efforts is acceptable given extremely limited GOS finances and is appropriate for the government/NGO/IO team approach. Serbia's performance approaches the level of Tier 1, and as a result SAM should be removed from the watchlist.

February 2005 TIP report for Serbia and Montenegro

The Regional Clearing Point of the IOM is currently preparing a survey of victims assisted by governments, NGOs and IOs in the region in 2004. Their annual report on Victims of Trafficking in Southeastern Europe is expected to be released in April. Preliminary results reported 39 foreign victims received assistance in Serbia and 15 SAM citizens were either assisted in Serbia or other neighboring countries. The police identified 43 victims in 2004, including 27 foreigners and 8 minors (4 boys and 4 girls).

Discrepancies in the numbers of victims exist due to a number of reasons. Until the recent change in the law designating trafficking as a specific crime, it was difficult to determine the number of cases that were actually prosecuted as trafficking. Also, NGOs utilize different standards to classify victims than government agencies. ASTRA noted in a report on their SOS Hotline and Victim Assistance program in 2004 that they assisted 68 victims, 55 of which were identified in 2004 compared with the 43 reported by the Agency for Coordination. In two cases ASTRA had a different assessment as to the status of the victim and in eight additional cases children were not counted by the Coordination Agency because the jurisdiction of children belongs to a different agency.

The numbers reported by the Victimology Society (VDS) were based on research conducted by thirteen researchers involving interviews with 123 experts and 5 victims. This research likely included double counting and was based on estimations by some interviewees, as well as varied definitions of a trafficked person. As noted in the introduction to their research report this was the first research in this field and “was only explorative, not aspiring to be representative, as well as featured by clear limitations, this study contains a lot of information about manifestations of trafficking in people in Serbia and constitutes a treasury of ideas that might be valuable for devising the strategies for its suppression and prevention. To this effect, the obtained results are a good starting point, ...”

The greatest number of trafficking cases involve women trafficked for the purposes of sexual exploitation. Although most victims have a low level of education, there are a higher proportion of victims with high school levels of education than in other countries in the region. A recent trend has been the increase in the number of minor victims. Possibly due to police crackdown at the borders, the number of domestic victims has increased while the number of adult foreign victims has decreased. Another new and disturbing trend found in 2004 was the identification of mentally challenged victims.

According to data from the 2003 Report of the Border Police Administration, for Foreigners and Administrative Affairs, the Ministry of Internal Affairs of the Republic of Serbia, the majority of TIP victims said they were lured by false promises of jobs abroad, while 10% said they were kidnapped and forced into prostitution; 2% were tricked by tourist agencies. Women and girls trafficked to Serbia typically work in unacceptable conditions with little freedom. They are sexually exploited and forced to perform domestic chores in the homes or businesses of their exploiters. Among children, the most common form of recruitment is sale by parents, relatives, or members of community; this phenomenon is more common among the Roma. Minors are also used for sexual exploitation in addition to begging and occasional cases of forced marriages among the Roma children. However, while many Roma children are seen living on the street and NGO report that they are prostituting themselves for drugs or money, it is difficult to know the true extent of this problem.

According to the 2002-2003 survey by the VDS, those transporting victims of trafficking tended to be younger people with prior criminal records. Women also acted as assistants or organizers of businesses, but it is predominantly run by men. The report also found that those holding the victims for exploitation are frequently men between the ages of 30 and 50. Traffickers in Serbia tend to be either freelance operators or members of small crime groups and large international organized crime syndicates. Recruiters have reportedly been spotted near one special education facility and at institutions for children without parents or guardians.

Recently, the government of Serbia (GOS) and the police increased their efforts to catch traffickers by employing wiretaps and forensic experts and inspecting locations where trafficked women are allegedly located, such as nightclubs. During a 2004 regional operation, Operation Mirage, Serbian police inspected 1473 venues, discovering 5 victims. Allegedly, the success of Serbia’s law enforcement has driven traffickers out of nightclubs and bars and into private venues.

There has been a notable increase over the past several years in the political will of the GOS to address the problem of trafficking. In 2001, a National Coordinator on Trafficking was appointed who launched the Initial Board for Combating Trafficking in Human Beings with support from government ministries, national NGOs, international agencies and the media. The National Coordinator developed a National Action Plan (NPA) to combat trafficking, focusing on prevention and awareness raising; protection of the victims; law enforcement; and data collection. More recently, the GOS has implemented a full-time trafficking unit within the organized crime police, a full-time office to combat trafficking and alien smuggling within the Border Police, a full-time Agency for Coordination of Protection of Victims of Trafficking, and a ministerial level TIP advisory council to oversee anti-trafficking efforts.

In April 2003, the Serbian Parliament passed new criminal laws against TIP for sexual and non-sexual exploitation. The activities of pimps and brothel owners (mediators) are considered a criminal act, prescribing penalties of up to 10 years for a simple offence and increased penalties for aggravated circumstances. However, soliciting a prostitute is still legal, while a prostitute's activity is a misdemeanor. Prior to passing the TIP amendment to Serbia's Criminal Code, it was only possible to prosecute TIP perpetrators for offences containing elements of TIP, such as illicit crossing of state borders.

The recently adopted trafficking legislation is contained in article 111b of the Criminal Code of Serbia and states as follows:

"(1) A person who by force or threat, by misleading or keeping in delusion, by the abuse of authority, confidence, dependence relation or difficult conditions of another person: recruits, transports, transfers, delivers, sells, purchases, mediates in delivery or sale, harbors or holds another person for the purpose of acquiring some benefit, exploitation of his/her labor, pursuing a criminal activity, prostitution or begging, of using for pornographic purposes, depriving of a bodily part for the purpose of transplantation, or using in armed conflicts, shall be sentenced to a term between one and 10 years in prison

(2) If the act from Paragraph 1 of this Article is perpetrated against several persons, by abduction, in the course of performing an official duty, within a criminal organization, in a specially cruel or in a specially humiliating way or if a severe bodily injury has occurred, the perpetrator shall be sentenced to a term of at least three years in prison,

(3) If the act from Paragraph 1 of this Article is committed against a minor, or if the victim dies, the perpetrator shall be sentenced to a term of at least five years in prison

(4) For the act from paragraph 1 of this Article committed against a person who has not turned 14, the perpetrator shall be sentenced to a term prescribed for such an act even if no force, threat or any other of the stated ways has been used."

Serbia and Montenegro have ratified the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially women and children, also known as the Palermo Protocol. According to this protocol, trafficking in persons is the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of

coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. It is important to distinguish between trafficking in persons and smuggling, whereas a trafficked person is kept under the control of the traffickers, smuggling involves an element of consent, even though there may be various forms of deception or coercion utilized in the smuggling process.

Cooperation on TIP activities among NGOs, IOs and the GOS has also improved in the past couple of years. The GOS relies heavily on NGO members of the Anti-Trafficking (AT) Team, chaired by the National Coordinator, to organize public education efforts (*see Annex C for structure of team*). The team has four working groups: child trafficking, prevention and law, assistance and protection for victims, and law enforcement. The AT team consists of judiciary and government, as well as NGOs and IOs. The new ministerial-level anti-trafficking council oversees efforts of the team. In February 2004 the GOS adopted a NAP for children defining key measures to implement with respect to the rights of and policy towards children. The plan calls for the development of a system to protect children from abuse, neglect, exploitation and violence. The AT team provides a coordination and communication mechanism that is considered a useful model, including a group-mail list whereby members frequently share information. The National Coordinator's office is also working with the Education and Sports Ministry to formalize TIP training by NGOs in schools and make it a part of the civic education class taken by approximately half of Serbian students.

The GOS coordinates the protection of victims through the Agency for Coordination, but due to lack of funds, a majority of the public awareness and assistance is provided by IOs and NGOs, with limited government involvement. For example, the police are involved with the school awareness program, "Take Care," implemented by the NGO Beosupport with IOM-funding. Police also participated in TIP workshops organized by the NGO, Anti-Trafficking Center (ATC), for the 2004 "EXIT" music festival in northern Serbia. Despite funding limitations, the GOS filmed and aired a TIP documentary, which 1.4 million people in Serbia watched. International donors funded the initial start-up of this agency with the government providing office space and some operational funding for 2005, but additional funding will likely be needed. This agency provides logistical support to ensure that services are made available to victims throughout Serbia. They work closely with the police and NGOs to identify victims and coordinate the necessary services and avoid duplication of efforts. The Agency also coordinates its efforts with the Centers for Social Work who have jurisdiction of minors and must be contacted if a juvenile is involved.

The GOS and police force have also increased their efforts to pursue traffickers by monitoring official points of entry, while the SAM military is monitoring the border between points of entry. Both are reportedly doing an adequate job. There is a full time trafficking unit within the organized crime police with a staff of 6 persons, a full-time office to combat trafficking and alien smuggling within the Border Police consisting of 9 persons, a two person team at the agency for Coordination of Protection of Victims of Trafficking and the previously mentioned ministerial-level tip advisory council. The two new police units supplement the police teams in each of the 26 regions where police secretariats do not work full time on trafficking issues. The GOS has also been monitoring migration patterns and responding in turn, by requiring visas for

Moldavians. In 2004, there was an increase in the number of trafficking criminal complaints filed by the police. Twenty-four cases against 51 suspects were filed, an increase from 2003 when 14 complaints were filed against 46 people. In addition, the NGOs have reported higher increased police identification of and assistance to victims of trafficking.

In July 2004, the Interior Minister issued instructions granting temporary humanitarian residence permits to TIP victims. All victims are allowed a three month recovery and reflection period, which can be extended to 6 months if they cooperate with a criminal investigation and one year if they decide to participate in a court process. If the victim's life is in danger in their own country, they may be granted one year of residency in Serbia.

The GOS encourages victims to assist in the investigation and prosecution of their traffickers. Although there is no state restitution, victims can file civil suits against their traffickers. However, this is rarely done as litigants are required to pay 10 percent of the sought compensation to file their claim. While it is legally permissible for judges to award damages during a criminal proceeding, trial judges typically refuse to do so. At present there is one claim pending in criminal court and four civil complaints that have been filed by victims with the support of internationally funded legal assistance.

In the past, the judiciary's lack of central records made gathering statistics difficult. They also failed to distinguish between TIP and alien smuggling, prosecuting them under the same criminal code. This problem is being addressed by the National Coordinator, who ordered all police regional secretariats to follow up with local prosecutors on criminal complaints related to trafficking. As a result, complete statistics for cases that began in 2004 have been provided, but not on earlier cases. Unfortunately, a weak judiciary results often results in case delays, in appropriate sentences and mistreatment of victims. In March 2004, 13 defendants were convicted; their sentences ranged from 8 months to 3 1/2 years for 7 defendants and the rest received suspended sentences. Of those defendants arrested prior to the effective date of the new trafficking provision in the criminal code, two were sentenced to 12 years in jail for the death of a TIP victim.

Serbia has ratified a number of international conventions related to trafficking in persons. They have ratified the United Nations (UN) Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to slavery. Additionally, they have signed the UN Protocol to Suppress and Punish Trafficking in Persons, Especially Women and Children. They have ratified the 1926 Convention on Prevention and Combating Slavery and the 1956 Additional Convention on the Elimination of Slavery and Trafficking of Human Beings.

IOM and local NGOs in Belgrade provide the vast majority of assistance for foreign and national victims. Due to funding limitations, the GOS has not played a significant role in the provision of direct social services to Serbian or third country national victims. The NGOs focused particularly on anti-trafficking efforts are the Anti-Sex Trafficking Action Project (ASTRA), the Anti-Trafficking Center, Victimology Society, ATINA (domestic shelter), Counseling Center for Women and Children (foreign victims shelter), and Beosupport. The International Office of Migration (IOM), the Organization for Security and Cooperation in Europe (OSCE), and the

Swedish International Development Agency (Sida) are some of the major international organizations focused on trafficking issues.

ASTRA has been active in the fight against trafficking since 1998, working in conjunction with other women's NGOs, conducting awareness raising campaigns, operating a SOS hotline, advocating for victims, and lobbying the GOS to put TIP on its agenda. Currently ASTRA has two television advertisements on TIP aired on several national and local television stations. ASTRA's hotline received 689 calls from July through December of 2004, compared with the previous 6 months during which they received 264 calls. ASTRA attributes this increase to the "There is a way out" media campaign which was initiated in the fall of 2004 in cooperation with UNODC. ASTRA reports as much as a 100% increase in calls during the time periods when the TV spots are broadcast. There are two NGO operated shelters, one for foreign and one for domestic victims. In 2004, 36 TIP victims were housed in the TIP shelter for foreigners while 7 were placed in the shelter for SAM victims. The Agency for the Coordination of Protection to Victims of Trafficking identifies victims and coordinates NGO and IO services. They also help victims obtain temporary residence permits.

Although the GOS does provide some trafficking training, including a specialized segment at the police academy, the majority of trafficking training is organized and conducted by NGOs and IOs. In 2004, about 150 police officers received training. During their one week training dedicated solely to TIP, the police viewed the film "Lilya 4-ever," which highlights the serious nature of this phenomenon. Training for magistrates was organized by ABA-CEELI in coordination with the Association of Magistrates in which 620 magistrates participated. OSCE and the Ministry of the Interior, ASTRA, the Belgrade NGO Anti-Trafficking Center and the Institute for Forensic Medicine in Belgrade have also held trainings for police, physicians and government officials.

A2. Trends

The face of trafficking is changing in the region as traffickers respond to increased efforts of police and governments to combat the issue. Increased border protection, raids of bars and brothels, and better identification and support of victims have all led to changes in techniques. Some of the trends include:

- √ More domestic victims
- √ More child victims
- √ A move "underground" to private apartments and parties
- √ Giving victims part of the profits and more freedom
- √ Less use of violence against victims
- √ Recruitment via internet and text messaging
- √ "Lover boy" approach

Police have made significant improvements in their efforts and capacity to combat trafficking, including better border control. Traffickers are more unlikely to approach borders where they fear they may be caught. The success of the border police has likely led to less foreign victims entering the country. However, it is virtually impossible to determine the actual level of transit trafficking in Serbia. NGOs estimate that over 1,000 victims may have transited Serbia during a

year's time. This apparent decrease in foreign victims has led to a greater demand for domestic women, particularly for work in the sex industry. Consequently, as a result of raids on bars and brothels, these activities have moved "underground" and are believed to be occurring in private apartments and at parties arranged for purposes of sexual exploitation. Fifty five of the 68 persons assisted by the NGO ASTRA were citizens of Serbia and Montenegro.

During the past year there was also a significant increase in the number of children trafficked. There were also alarming reports of the victimization of mentally challenged children and traffickers attempting to lure victims from state orphanages. ASTRA reported that of the 68 cases of women and children victims of trafficking which they assisted, 30 were adults and 38 were minors. This is an increase from prior years, where 10% of victims were children to an alarming 56% for 2004, including 2 boys.

There are also indications that traffickers have changed their treatment of victims, particularly those who have been trafficked for sexual exploitation. NGO representatives stated that the accounts given by those rescued have changed from an era where women were chained to radiators and beaten, to the present where victims are given part of the profits and increased freedom in an effort to ensure their compliance. With increased freedom, the traffickers presume that their victims are less likely to run away. This type of treatment also provides some protection for traffickers who, if caught, can claim the women were "willing" participants, receiving wages and fair treatment. Traffickers may claim they are only "pimping" and not guilty of trafficking.

Traffickers are also adapting to the increased knowledge of trafficking by women and society in general and altering their recruitment techniques. Men often "date" their victims, providing gifts and money to gain their trust and cooperation. This so-called "lover boy" approach is more successful in a society, such as Serbia, where family ties are strong and a patriarchal mindset exists. Women and their families tend to be more trusting of someone promising marriage and a good life in another country, as opposed to an employment agency or unknown solicitor. Given the dire economic circumstances and the desire of young people to go abroad for better opportunities many women may easily fall prey to this type of technique.

As technological advances take hold in Serbia, traffickers are also utilizing new technology as a tool for recruitment. Internet chat rooms and text messaging are used as solicitation methods by traffickers. These methods appear legitimate and target young persons who are the biggest users of modern technology. Given that many young people are unemployed, they spend significant time on the internet and practically everyone has a cell phone. This widens the field for potential victims and allows traffickers to remain anonymous.

A3. Strengthes and Challenges

Great strides have been made over the past few years in Serbia to develop structures to combat the trafficking problem. Improved police capacity, services offered by NGOs and international organizations, adoption of appropriate laws, and increased awareness have all come together to change the face of trafficking. Despite those improvements, certain challenges remain that must be dealt with in order to effectively counter trafficking in persons. Some of those challenges include:

- √ Weak judiciary
- √ Lack of implementation of laws
- √ Lack of victim assistance and compensation
- √ Developing appropriate strategies to deal with fluctuating trends
- √ Downsizing of government administration resulting in more unemployed women

In almost every interview the judiciary was noted as the weak link in the chain to combat trafficking. Reports ranged from judges who mistreated victims to lack of knowledge on the topic to the very slow court process. The slow court process is a problem for all court proceedings and not just trafficking cases. Victims will never be willing to come forward and testify as long as they have no trust in the legal process. The rule of law is essential to ensuring that victims are protected and that traffickers are prosecuted. It was noted by some interviewees that a case currently being handled by the special organized crime unit has proceeded in a timely and efficient manner and that, most importantly, the victims have been well protected. However, this does not appear to be true in most courts. Judges tend to see victims as prostitutes or as having chosen to involve themselves in the situation. There is a general lack of gender sensitivity within the judiciary that must be dealt with in order to properly protect victims. Judges need to be better informed about the modus operandi of traffickers and learn not to blame the victims.

NGOs have been instrumental in providing victim support before and during trial, often attending court sessions and monitoring proceedings. However, there were reports of judges being reluctant to allow NGO representatives to sit in the courtroom with victims. While victims are represented by the prosecutor, it is important that they have additional support (i.e. a lay advocate) to help them understand the proceedings and cope with the stress of testifying.

Another important component is awarding compensation to victims for their pain and suffering, including the seizure of assets of traffickers for payment to victims. Courts can award these damages during a criminal trial, though this has not occurred in any case to date. Currently there are five pending cases for damages, one in the criminal court and four in the civil court. The civil proceeding takes additional time and expense that victims often cannot provide. Judges have been unwilling to handle the compensation issue during criminal proceedings. Encouraging this practice would not only support victims but would also deter traffickers. Traffickers can continue to operate from prison or upon their release if they retain their assets. Seizing those assets would put them out of business and send a message to others.

The status of the union between Serbia and Montenegro remains tenuous. Also, the frequent changes in government and thereby personnel at various ministries and municipalities, makes it difficult to develop lasting strategies to cope with the trafficking in persons issue. Until there is more political and economic stability and continuity of personnel, it will be a challenge to ensure that efforts made to date are not lost in future re-organizations. A prime example is the gender focal points that were established 3 years ago in the various municipalities. Many of those disappeared during the last change in administration. Given that those efforts mainly depended on the good will of individuals within the municipalities, those contacts have been lost and many of the focal points do not exist. There is a danger of this occurring within the government

structures developed to address trafficking. At present there are enthusiastic, competent personnel who are working well with NGOs and the international community. However, this could change quickly after another election or as a result of the dissolution of the current union between Serbia and Montenegro.

The government is planning to downsize the number of current employees during the next year. As a high percentage of women are employed in these positions, this will lead to increased number of unemployed women who will be vulnerable to trafficking and various forms of exploitation. If efforts are not made to find alternative employment for these women they may be left with no means to protect themselves and their families.

B1. Background – Montenegro

Montenegro is a country of origin, transit, and destination for the trafficking of women and children, as well as men to a lesser degree. Women and children are also trafficked domestically within SAM. In addition, there is trafficking from Ukraine, Lithuania, and Albania. Montenegrin women are trafficked within the former Yugoslavia and Italy is one of the major destination countries. In 2004, the majority of victims found within Montenegro were foreign, mostly from Ukraine.

The government of Montenegro (GOM) and NGOs maintain that data on TIP rates are not very credible. Most of the data comes from NGOs, particularly the SOS Hotline for Women and Child Victims of Violence. In 2004, the SOS hotline received approximately 883 calls from victims and possible trafficking victims; the majority of calls were received from SAM victims. However, the number of calls is not indicative of the number of trafficked victims as many calls are repeat calls or questions from family members about missing persons as well as inquisitive citizens who want to know the purposes of the hotline. TIP victims are most commonly involved in prostitution, physical labor and begging, while personal slavery has also been reported. Women and girls are most often targeted for sexual exploitation, while men are more likely to be recruited for labor exploitation. Roma children, many believed to be displaced from Kosovo, are reportedly trafficked into begging rings, allegedly with the assistance of their parents.

Actual numbers of victims is difficult to obtain for a number of reasons. Cross counting by NGOs, government and international organizations is typical as well as different standards for what constitutes a trafficked victim. Prosecutions were difficult to count prior to the passage of a specific trafficking provision as cases were filled under various statutes and could not be disaggregated from smuggling or other offenses. The National Coordinator is now setting up a database to collect information from various government agencies as well as NGOs, comparing this information for duplication and should be able to provide more accurate data in the future.

Traffickers target poor, rural and vulnerable girls and young women in Montenegro. The majority of traffickers operating in Montenegro are involved in small criminal or other loosely organized groups. Traffickers lure women and girls into trafficking by making false lucrative job offers and have reportedly forced victims to recruit their friends.

Montenegro has signed and implemented the ILO Convention 182 on the Worst Forms of Child Labor; the Optional Protocol to the Convention on the Rights of the Child on the sale of children,

child prostitution, and child pornography; and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially women and children.

The GOM has demonstrated a great deal of political will to tackle the trafficking problem over the last year. They have increased their TIP funding for 2005, have committed to adopting a national strategy, and to supporting a National Coordinator and special anti-trafficking police units. Appointed by the Prime Minister, a National Coordinator for Anti-Trafficking chairs both a National Anti-trafficking Project Board, comprised of government members, IOs and NGOs and the Inter Ministerial Working Group for the Implementation of the Anti-trafficking in Person's Strategy, comprised of government ministries and international organizations. Both groups work on the prevention, protection, and prosecution of trafficking. *See Annex D for a chart of the structure of the national mechanisms.*

In 2003, the GOM adopted a national trafficking strategy based on recommendations made by the OSCE, the US Government, and lessons learned by the National Anti-Trafficking Project Board. The GOM, with assistance from IOs, has passed legislation facilitating their efforts to combat TIP. Among the government efforts, criminal penalties for TIP have been strengthened and a special prosecutor for fighting organized crime has been established. The Montenegrin Criminal Code adopted three articles dealing specifically with trafficking in human beings, trafficking in children for adoption and enslavement of persons and their transportation. Also in 2004, the GOM passed a witness protection law and is exploring the possibility of resettling protected witnesses in other countries in the region with similar programs.

As in Serbia, prostitution activity is a misdemeanor in Montenegro and being a client of a prostitute is not a criminal offense. The criminal code of Montenegro contains the following provision criminalizing trafficking and providing the requisite penalties:

Article 201a -- Trafficking of Human Beings

Anyone who picks up, transports, carries or receives persons with the intention of exploiting them for the purpose of forced labor, prostitution or other forms of sexual abuse by coercion, threat or deception or in any other way, shall be sentenced to a minimum of one to a maximum of eight years imprisonment.

Anyone who transports persons under paragraph (1) from one country to another will be sentenced to a minimum of 6 months to a maximum of 5 years imprisonment

Anyone who commits the acts under paragraphs (1) and (2) against persons less than 14 years of age or against a minor person shall be sentenced to minimum of one and to a maximum of 10 years imprisonment

If an act under paragraphs (1) and (3) of this article has the consequence of causing the death of one or more persons, the perpetrator shall be sentenced to a minimum of 10 years imprisonment

Anyone who keeps or destroys an identification card, passport or other personal identification document belonging to another person in order to commit acts specified under paragraphs (1)

and (2) of this article shall be sentenced to a minimum of 6 months and to a maximum of 5 years imprisonment

Anyone who uses or arranges for the use of sexual favors from persons under paragraph (1) of this article shall be sentenced to a minimum of 6 months and to a maximum of 5 years imprisonment

Anyone who commits the acts specified under paragraph (8) of this article against a person less than 14 years of age or against a minor person shall be sentenced to a minimum of 1 and to a maximum of 10 years imprisonment

Significant improvements have occurred since the so-called “S.C.” case occurred in Montenegro in late 2002, when Moldavian woman made allegations of being trafficked against several government officials, including the Deputy General Prosecutor. The basic prosecutor issued a decision to dismiss the case and in June 2003 the investigative judge issued a declaratory ruling terminating the investigation. Perjury charges were filed against the witness S.C., the complaint was dismissed, and the witness was relocated outside of Montenegro. The referral system that was in place at the time failed in many regards and an investigation of this case situation was undertaken by the OSCE and Council of Europe. Most of the recommendations made in their investigative report have been completed and it appears that the “lessons learned” from this event have had a significant impact on the improvement of the trafficking response in Montenegro.

In February 2004 the Special Anti-Trafficking Police Unit was reorganized after being dismantled following the highly controversial S.C. case. The unit is led by a team operating through the Ministry of Interior. A special anti-trafficking tip line is now in operation where local citizens can call anonymously to report suspicious activity. Additionally, anti-trafficking police units have been organized throughout the country, even at the municipal level. The success of their work appears to have driven trafficking out of the public’s view into more private venues.

Montenegro's performance has improved significantly over the past year. The police special Anti-Trafficking team was reestablished and has pursued trafficking cases with vigor and skill. In light of such progress, Montenegro should be removed from the watchlist but remain in Tier 2, with continued pressure and assistance to take more concrete steps (specifically prosecutions leading to convictions and significant sentence) to root out trafficking.

February 2005 TIP report for Serbia and Montenegro

The national anti-trafficking coordinator’s office collects and distributes information and statistics to document the incidence and nature of trafficking within Montenegro. Montenegrin officials document entries and departures at ports of entry, but have not used this system to identify trafficking patterns. The police and state prosecutor’s office are developing a database on TIP efforts to be made available to the general public; the Ministries of Health, Social Services and Labor will provide regular information for the database on victims encountered and assisted by the ministries.

The GOM is directly involved in providing services and campaigns on trafficking. They are providing the premises and utility services for a shelter for TIP victims and periodically run anti-trafficking public education campaigns with IO assistance. The police special AT team publicizes their trafficking arrests to deter the spread of TIP. Despite all of the political will and a

noticeable increased in activity, the GOM lacks sufficient funding to fully support all the necessary efforts to combat trafficking. The most notable shortfalls in government funding are in training and equipment.

The Government is presently finalizing a Memorandum of Understanding (MOU) governing the relationship between the shelters and the Ministries of Health, and Labor and Social Services. The NGOs currently operating shelters have adequate relations with the police, although they report occasional difficulties. The MOU will establish a screening and referral process for victims upon their arrival at hospitals, make referrals to the shelter, and provide services as needed.

A Reproductive Health Center (RHC) in Berane was recently completed in close coordination with the Ministry of Health and the World Bank's health reform program. The center is funded through the USAID funded Community Revitalization through Democratic Action (CRDA) program and implemented by CHF International. The RHC serves four northern Montenegro municipalities providing expanded reproductive health services to woman and adolescents, including emergency medical, counseling and referral services for victims of trafficking. The RHC will enable regional reproductive health service providers to provide appropriate services to victims of trafficking; mobilize community representatives and organizations to support and promote reproductive health; and raise public awareness about reproductive health issues.

Since April 2004, the police special AT team has presented the judiciary with 6 trafficking cases; this activity has led to the conviction of trafficking for 18 people. Regrettably, the judiciary has not been extremely effective in processing trafficking cases. Judges show little understanding of TIP and frequently treat victims poorly, assuming they are prostitutes or willing partners in criminal activity.

The government supported shelter for victims provides legal, medical, psychological, and vocational training services. Four Ukrainian men were housed in shelter after being rescued from trafficking for labor exploitation. The government shelter housed 11 people over the past 11 months, 7 from outside of SAM. In addition, the Women's Safe House (WSH) housed 6 victims of trafficking in their shelter in 2004. Between 2000 and 2004 the Women's Safe House sheltered 58 people, including victims from Moldova, Serbia, Romania, and Ukraine.

B2. Trends – Montenegro

Trafficking techniques are changing in the region as traffickers respond to increased efforts of police and governments to combat the issue. Increased border protection, raids of bars and brothels, and better identification and support of victims have all led to developing trends. Some of the trends include:

- √ A move "underground" to private apartments and parties
- √ Pursuing poor, rural girls or young women
- √ Possible increase in labor exploitation, especially of men
- √ Women trafficked for sexual exploitation from Serbia

The improved efforts of police to combat trafficking may now have made them a victim of their own success. Indications are that much of trafficking activity has moved “underground” to private apartments and private parties where trafficked victims are brought in as prostitutes. Hundreds of bars have been shut down in police raids and increased border control has led to traffickers changing their techniques.

Within Montenegro traffickers target poor, rural girls or young women from regions outside the capital. Extreme poverty, family violence, and lack of opportunity make these young women particularly vulnerable. Victims are lured with false job offers, often by persons who are known to them, even neighbors or friends. There are reports of families selling children due to extreme poverty. Roma children are reportedly targeted for begging rings. Allegedly, they are sold into begging by family members, but this is difficult to prove or document.

During the year, four Ukrainian men were rescued and repatriated as victims of labor exploitation. A case is currently pending against the four alleged traffickers and is being handled by the special organized crime prosecutor. This may indicate a disturbing trend in labor exploitation as construction work expands in the region and there is a need for cheap labor.

Many of the women found in Montenegro who are being sexually exploited are from Serbia. It remains easy to transport women from Serbia since it is internal movement. The largest source area appears to be southern Serbia.

B3. Strengthes and Challenges

Significant progress has been made in Montenegro, particularly in the wake of the S.C. case. Government commitment to combating the problem has increased with the development of a national strategy, action plans for various ministries, and the appointment of a national coordinator. The infrastructure has been improved through training of police, services offered by NGOs and international organizations, and the adoption of appropriate laws, including a witness protection law and changes to the criminal code. While these improvements are laudable, challenges remain that must be dealt with in order to effectively counter trafficking in persons. Some of those challenges include:

- √ Weak judiciary
- √ Lack of implementation of laws
- √ Public perception of victims as prostitutes and disbelief that this happens to Montenegrin Women
- √ Lack of capacity of Centers for Social Welfare
- √ Lack of sufficient confidential medical services

Repeatedly, during assessment interviews the judiciary was referred to as the “weak link” in the chain to combat trafficking. Courts are generally regarded as slow, for all cases not just trafficking proceedings, and judges frequently treat victims as “prostitutes.” An effective court system that fulfills the rule of law is essential to ensuring that victims are protected and that traffickers are prosecuted. Judges appear to have a general lack of gender sensitivity and understanding of issues related to trafficking. They tend to blame the victim and assume her

willing participation in the process without realizing the deceptive mechanisms used by traffickers to lure women.

As Montenegro is a small republic and one in which everyone claims to know everyone else, it is difficult for many to believe that women were lured into a trafficking situation. During the S.C. case in late 2002 and early 2003 public perception of trafficking was high. However, opinions on that particular case appear to have been polarized at two extremes; either it was a complete cover-up to protect the Prime Minister or that she was brought in on purpose to bring down the government. This case tested the system and it did not respond well. However, the case brought the subject to light and provided fertile ground for discussion and for improvement of services. The general opinion of NGO staff and others interviewed was that Montenegrins tend to perceive trafficking victims as prostitutes and generally do not believe this happens to Montenegrin women. As one interviewee noted, the country has become more of an origin point as a matter of default rather than design, due to the success of the border police.

Also, repeatedly, during assessment interviews, the Centers for Social Work were referred to as a “weak link” in the chain to combat trafficking. Until 2002 there was no social work faculty in Montenegro and therefore few appropriately trained persons in this field. Even for those psychologists working on violence and trafficking there is a lack of specialized training. There are ten social work centers throughout Montenegro that could serve as focal points for protection services, especially in those remote areas where few NGOs exist and few services are available.

Medical services are at a very low level and confidentiality is almost non-existent. Medical records can easily be obtained without the consent of the patient. There were reports that trafficking victims were often denied treatment at state facilities and referred to private facilities where the same doctor was working, but would be privately paid. The Ministry of Health has developed a proposal for crisis centers for violence which has not yet been funded. These centers could serve victims of domestic violence, rape, and trafficking with special services needed to deal with victim trauma and to preserve important evidence for trial.

SECTION III

Recommendations

A. Serbia

In both Serbia and Montenegro, the two groups that are seen as a weak link in the trafficking support system are the judiciary and the Centers for Social Work. Both groups need more specialized training in gender and particularly in dealing with trafficking victims. While a number of awareness campaigns have been undertaken, additional awareness, particularly in changing public perception, should be pursued. Given the large number of young people who want to migrate and are vulnerable to trafficking, safe migration activities should also be a priority. Detailed below are specific recommendations in each of the three P's – prevention, protection, and prosecution.

A1. Prevention

- Increase awareness broadly to change public perceptions and stereotypes of victims as willing participants in trafficking and to increase the awareness of specific target groups that are vulnerable to trafficking schemes
- Address root causes of trafficking, such as a poor economy, lack of opportunity, and the feminization of poverty

While a number of awareness campaigns have been conducted to educate the public about trafficking, there remains a lack of understanding. Many young people are well informed about the perils of trafficking; however, the public at large appears to have a disinterest in the topic, believing this doesn't happen in Serbia or that people willingly involve themselves. It is important for the public to understand that people are “victims” who have been duped by the deceptive schemes that traffickers use. An appropriate awareness campaign could alert the public to suspicious circumstances in their community and help them better identify situations where trafficking may be occurring. The public can then serve as a source for police efforts to combat trafficking, especially as traffickers go more “underground.”

It is also imperative to increase the awareness of target groups that are especially vulnerable to trafficking, particularly now that there appears to be an increase in domestic victims. For example, the Anti-Trafficking Center is currently conducting initiatives with high school students including peer education and teacher training. If conditions deteriorate in Serbia, economically and politically, the vulnerabilities may increase. Serbia and Montenegro already face many of the vulnerabilities that result in being a country of origin, i.e. poverty, lack of economic opportunities, post-conflict, patriarchal, and lack of women in decision making positions. While, fortunately, the level of trafficking appears to have been relatively low, by comparison with other countries in the region, this situation could change quickly. Research completed in April 2004 by the Center for the Research of Alternatives found that 18% of young people between ages 18 and 27 who participated in the survey had already decided to leave the country and that 43% wish to leave and would leave if given that possibility, for a total of 61%

of young people desiring to migrate. This is an alarming number and could lead to more trafficking victims from those who may try to migrate legitimately. In order to appropriately target safe migration activities an assessment of the appropriate target groups should be completed. This assessment should determine the most appropriate age group, education levels, and geographic regions on which to focus.

The MTV project currently being conducted with SIDA can serve as an important component towards changing public perceptions. The documentary they have developed will be shown throughout the country and follow-up activities will reach a broad audience, particularly the younger generation that is so at-risk. The five short documentaries they have developed should be aired throughout the country, especially in rural areas.

While too large of an undertaking as a stand alone anti-trafficking initiative, addressing root causes, such as the poor economy, lack of opportunity, and the feminization of poverty should be a focus of other projects within USAID's portfolio. Combating these challenges will have an added benefit of decreasing the likelihood of trafficking. Assuring that people have gainful and meaningful employment and a roof over their head will serve as preventive tools in the fight against trafficking. To truly address the problem in an effective way these root causes must be dealt with as part of a larger development strategy.

A2. Protection

- Support for Centers for Social Work emergency teams dealing with domestic violence and trafficking victims
- Support of safe migration programs including provision of services (hot lines, legal advice) to check legitimacy of contracts and advertisements
- Support of shelter services – either through joint funding with government or emergency funds for temporary shelter or on an “as needed” basis

The Centers for Social Work have significant responsibility for dealing with children and family violence. They are presently undergoing restructuring based on changes in recent litigation and will need support to effectively combat domestic violence and trafficking. This is one area where resources can effectively be combined to support victims of violence. Emergency teams are being organized with the centers to respond to the needs of victims. Supplemental training could easily equip these teams to deal not only with domestic violence victims but also with trafficking victims. As these teams and centers exist throughout the country, this would provide a network that covers the entire country. Staff at the centers require specialized training to deal with these types of traumas, to effectively identify trafficking victims, and to provide the appropriate referrals for their protection.

ASTRA reports that their hotline has received a significant number of telephone calls from persons inquiring about the legitimacy of newspaper advertisements and employment agencies as well as the provisions of contracts they are asked to sign. As much as they are able, ASTRA has provided a response to this need based on their knowledge of various agencies and have utilized

their lawyers to review contracts. However, it would be a significant avenue for the protection of victims and in aid of safe migration if a hotline was dedicated to providing this information and more legal services were available to review documents. This activity would also require publicizing the availability of these services and the hotline number through various mediums including television, newspapers and print media, as well as in areas frequented by young people such as coffee bars and nightclubs. This activity would also naturally entail closer cooperation with police and ministries to determine the legitimacy of various agencies. As ASTRA is already conducting this type of assistance on a limited basis, it would be an easy expansion of their efforts.

This NGO activity could be coupled with safe migration activities conducted by IOM. IOM has proposed to conduct safe migration workshops during the next year with specific target groups, working principally in the rural and poor areas where young women are at greater risk. These workshops will not only inform young people about the dangers of human trafficking but help them evaluate the legitimacy of job offers and protect themselves against falling prey to traffickers. Given the large number of young people in Serbia who want to migrate to Western Europe or other more affluent countries, these services could be of great benefit in protecting them from accepting offers that might end in disaster and instead allow them to migrate safely through legitimate channels.

Regardless of all best efforts, there will continue to be victims of trafficking who will need shelter assistance. The Government of Serbia has provided space for a domestic violence shelter and should be encouraged to do the same for a trafficking facility. Continued financial assistance in providing salaries for staff and other resources could be provided until the government is in a position to fully fund all of the shelter activity. In the alternative, emergency funds should be available to provide for temporary shelter of individuals if a full time shelter is not to be continued. While the foreign shelter has not been filled to its capacity, it has served a vital need for victims placed there who might otherwise have been further victimized.

The shelter for domestic victims, operated by ATINA, currently has a waiting list for victims who want to take advantage of the re-integration services they offer. The ATINA program provides skills training and re-integration services for women from Serbia. The shelter has served 8 women and currently is at its maximum capacity of 5 people. The main goal is to re-integrate the women into the environment they want to be in. The shelter staff initiate interactions with family and friends of victims to rebuild relationships and emphasize the importance of good communication. One of the victims is now a volunteer with another anti-trafficking NGO and another is providing design services for project materials of a women's NGO.

A3. Prosecution

- Training of judges to sensitize them to gender issues and trafficking, especially for the appropriate treatment of victims
- Supporting mechanisms to secure victim compensation – including legal services and changes in court policy

In almost every discussion with interviewees the lack of sensitivity by judges was noted. Repeatedly, the judiciary was described as the weak link in the process. While some efforts for judicial training, particularly the magistrate's court, have been undertaken, additional training is needed. It is imperative that judges have an understanding of gender and all of its dimensions. Unless judges have an appropriate understanding of gender issues they will not be able to deal appropriately with victims of any form of violence, whether it is domestic violence, rape, or trafficking. Training judges on gender sensitivity and psychological issues faced by victims will benefit the handling of all types of cases, most particularly those dealing with family law matters and violence.

The ABA/CEELI program has conducted training for approximately 70% of the magistrate's and developed a cd-rom video for judges on the appropriate response to trafficking victims in the courtroom. Minor offenses are prosecuted in the magistrate's court while more serious offenses, including trafficking crimes, are within the jurisdiction of the municipal and district courts. Cases of organized crime, including trafficking cases that have elements of organized crime, are now being pursued by the special organized crimes prosecutor in the district courts in Belgrade. Given ABA/CEELI's cooperation with the judiciary at various levels, they are well positioned to expand their training initiatives to other courts. While the FBI, OPDAT, and ICITAP programs undertake activities to support investigation and prosecution of trafficking cases, their focus appears to be more on the operational side and with a focus on organized crime. The missing link is training for judges on gender sensitivity and proper handling of victims. This type of training would be an excellent complement to those activities already being conducted through the various DOJ initiatives. Given ABA/CEELI's on-going focus on gender issues, they should be able to provide the gender sensitivity and victim support training that is so desperately needed.

Another repeated concern was for victim's compensation and the unwillingness of judges to awards these damages in criminal proceedings. Judges need to be aware of the mechanisms available to them to provide this compensation and to understand the importance of awarding these damages to victims. The law allows for these damages to be awarded during the criminal proceeding or separately in a civil suit. It is very difficult for victims to endure the criminal proceedings let alone to begin anew with civil proceedings to collect damages. Also, the seizure of trafficker's assets to pay the victim's compensation is a significant prevention tool. Seizing traffickers' assets puts them out of business and also sends a very strong message to others that this could happen to them.

Victims need sufficient support to pursue their compensation claims, including legal services, psychological support, and court advocates. Seeing these damages awarded will serve as an incentive and source of hope for other victims to come forward. When people believe that the court system will not protect them and that laws are not being effectively implemented, an environment of lawlessness is fostered that allows activities such as trafficking, domestic violence, and organized crime to continue. An effective rule of law system is vital to combating the scourge of trafficking and protecting victims.

B. Montenegro

Similar to Serbia, a weak judiciary and low level of social services are the missing components in combating trafficking and assisting victims. While substantial improvements have been made to respond to trafficking, particularly by the police, much remains to be done. Targeted awareness, particularly focusing on rural women, is needed to ensure that domestic trafficking does not increase. Health services remain poor and specialized personnel are needed to assist victims. Detailed below are recommendations categorized by the three P's – prevention, protection, and prosecution.

B1. Prevention

- Raising the status of women both economically and as decision makers to address root causes of trafficking
- Increasing public awareness – targeting young women at the high school level as a vulnerable group and the general public to change community perception of the issues
- Increasing capacity of the media to highlight trafficking in an appropriate manner, promote awareness generally, and protect victims.

As noted previously regarding Serbia, raising the status of women economically and politically, is not an activity to be initiated as a stand alone trafficking project. However, in order to address the root causes of trafficking, other projects in the USAID portfolio should integrate trafficking responses into other project activities. The added benefit will be a decreased likelihood of citizens, women in particular, falling prey to trafficking. Women who have economic stability and a voice in the decision making process are much less likely to become victims of sexual or labor exploitation. Rather than waiting to deal with the consequences of trafficking, addressing the root causes to prevent it from happening should be a goal of development projects.

While the S.C. case created a lot of discussion about the trafficking issues, all indications from those interviewed are that the public still has misperceptions about what trafficking actually is, the methods used, and the dangers. There is a tendency to believe it does not happen to Montenegrin women and that women who are involved have chosen to “prostitute” themselves. There have been government and NGO campaigns to provide general public awareness; however, it is important to target those efforts to vulnerable groups. As rural women appear to be targets for traffickers, more attention should be focused on education outside of Podgorica. Particularly, high school students should be targeted for awareness about the techniques of trafficking and the dangers.

As was evidenced by the S.C. case and the media attention it received additional training is needed for journalists. It is essential that journalists understand the issues and how to protect victims in order to report responsibly. The media is a great source for public awareness but they must fully understand the trafficking phenomenon in order to not portray victims inappropriately and thereby lead to further prejudice. Knowledge of the issue could be greatly expanded by appropriate coverage that makes the victims “real” to the public, without exposing their identity. Coverage of prosecutions would also serve to deter others and create an attitude

within the community that this will not be tolerated. Training on these issues can be integrated as part of the on-going media initiatives already underway in Montenegro.

B2. Protection

- Increase knowledge and capacity of social workers and psychologists, particularly through training on trafficking and post traumatic stress disorder, which will also contribute to improved support services for victims of domestic violence and sexual violence
- Improve health services for victims, including special crisis centers for victims of violence and increase the capacity of health workers to recognize and report trafficking
- Ensure sufficient resources for shelter services – partner with government since they provide premises, security, and utilities. Alternatively, provide emergency shelter funds if shelter is not to be directly funded.

There were repeated concerns about the lack of knowledge and capacity of the Centers for Social Work to deal with victims. This is a great need that should be addressed through training and capacity building. This is another area where the benefits will expand beyond just the trafficking arena to various forms of violence. The centers can also serve as a network of services that will reach out to all communities throughout the country. With appropriate training and support the centers should be able to develop emergency response teams that will respond to cases of domestic violence, sexual violence, and trafficking. Specialized training on post-traumatic stress disorder will improve the ability of professionals to deal with a number of related violence traumas. The social work faculty has only been in existence for a few years and needs additional support to ensure that professionals are adequately trained to deal with victims. IOM plans to conduct a short training for social workers, but indicated that more training will be needed.

There were numerous reports of victims being refused treatment at health care facilities and referred to private clinics. When the victim was taken to a private clinic the same doctor that refused treatment in the state facility was working there. Interviewees suggested that doctors know that international organizations will pay for this assistance and therefore this is the reason for the private referrals. NGOs reported a lack of cooperation and low level in the quality of medical services provided by state facilities. There was also a concern about the collection of evidence from victims in order to properly prosecute the cases. The Ministry of Health developed a proposal for special crisis centers which has not been funded. The concept is an excellent one and one that has been developed with success in other countries. Having a specialized group of medical professionals to deal with victims of violence, and especially trafficking victims, would be invaluable in both the protection of victims and in the prosecution of cases. The Reproductive Health Center in Berane is a good example of a pilot effort that has strong support from the Ministry of Health and possesses a real possibility for replication elsewhere in the Republic.

The Government of Montenegro has provided shelter premises and utility services for a trafficking shelter. This represents a step forward in the government's response to supporting trafficking victims. While ideally the government should provide all of the funding for shelter

services, it is unlikely to do so in the next few years. Therefore, it is recommended that funds be made available to cover the additional expenses and that a plan be coordinated with the government to take over full funding during the next 2-3 years. Alternatively, emergency funds should be made available for temporary shelter facilities. There will always be victims in need of assistance and in order to protect them housing and support services should be made available; if not on a full time permanent basis, then on a least a case by case basis.

B3. Prosecution

- Sensitivity training for judges on both gender issues and trafficking, focusing on victim protection
- Support for National Coordinator and Police Units to collect data and statistics to monitor and assess the TIP situation

Improving court administration and increasing judicial capacity would aid greatly in the effective prosecution of trafficking cases. The Cheechi judicial reform project is already working to improve the efficiency of the courts and a number of organizations have provided training to judges. The OSCE Rule of Law department will be conducting training in April 2005, but with a broad focus on organized crime. While this training will address the new legal provisions on trafficking and a variety of forms of organized crimes, it is not specifically focused on trafficking. The Judicial Training Institute has also held trainings on organized crime but with minimal focus on trafficking.

Gender sensitivity training should be conducted for judges as a basis for understanding the trafficking issue and specifically how to deal with and protect victims in the legal process. Without a basic understanding of gender issues, it will be very difficult for judges to have a full grasp of how to deal with victims. While other trainings have focused more on the legal provisions and the actual court proceedings, this training should focus on the victim.

The head of the police unit indicated that they need good international training to support their work, especially for their field teams. A number of agencies are providing support to the anti-trafficking police unit, especially for equipment and vehicles. However, given the lack of actual data and statistics to assess the trafficking situation in Montenegro, both the police units and the national coordinator office could benefit from additional support in collecting data. A database has recently been developed to collect all relevant information. NGOs are also asked to provide information for the system, which will be publicly available. The National Coordinator noted that statistics are a challenge for them on a daily basis. The government statistics and the NGOs are not always the same and they need a system to cross reference these. Accurate information could prove invaluable in targeting resources, training, and public awareness to those regions most affected.

ANNEX A**Serbia and Montenegro Anti-Trafficking Assessment Interviews**

Name	Position	Organization
Serbia		
Marija Andjelković	Coordinator	ASTRA
Biljana Zoranović Avlijaš	Assistant	The Referral and Counseling Centre for Foreign and Domestic Victims of Trafficking
Ana Dimčevska	Assistant	Beosupport
Per Byman	Deputy Head of Division of South Eastern Europe	SIDA
Sonja Drljević	Coordinator	AWIN
Douglas T. Francis	Rule of Law Liaison	ABA-CEELI
Milica Gudović	Coordinator	Women at Work
Patrick Hayes	Supervisory Special Agent	FBI
Brankica Grupković	Representative to Serbia and Montenegro	International Center for Migration Policy Development
Sandra Ljubinkovic	Executive Director	Anti Trafficking Center
Laura Luftig	Second Secretary, Political	US Embassy
Bobina Macanović	Project Coordinator	Autonomous Women's Center
Andjelika Marković	Project Coordinator	Belgrade Centre for Human Rights
Mitar Djurašković	Deputy Head	MOI – Directorate of the Border Police
Dr. Zorica Mršević	Gender Advisor	OSCE
Snezana Nenadović	Development Program Section	Embassy of Sweden
Aleksander Olenik	Coordinator	The Referral and Counseling Centre for Foreign and Domestic Victims of Trafficking
Shannon Oliver	International Development Fellow	Catholic Relief Services
Miloš Oparnica	Director of Bureau	Ministry of Interior, Criminal Police Department, Division for International Police Cooperation, NCB Interpol Belgrade
Zoran Pašalić	Magistrate	Magistrate's Court
Vesna Nikolić-Ristanović	Director	Victimology Society of Serbia
Marjana Savić	Project Coordinator	ATINA
Milica Simić	Coordinator	Roma Children Center

Jovana Skrnjug	Program Assistant	IOM
Sandra Stanić	Serbia Program Officer	Freedom House
Vesna Stanojević	Director	Counseling Center for Women and Children
Rebecca Surtees	Regional Clearing Point Program Manager	IOM
Sergej Uljanov	Inspector	Ministry of Interior, Criminal Police Department, Division for International Police Cooperation, NCB Interpol Belgrade
Madis Vainomaa	Anti-Trafficking Program Officer	OSCE
Aleksandra Vidojević	Anti Trafficking Issues Assistant	OSCE
Tamara Vukasović	Coordinator	ASTRA
Nikola Vojnović	Staff Attorney	ABA-CEELI
Montenegro		
Indira Batrićović		New Horizons - Ulcinj
Alan Carlson	Consul, Political and Economic Officer	US Consulate
Šefko Crnovrašanin and three staff members	Ombudsman	Ombudsman Institution, Republic of Montenegro
Ana Drakić	Program Specialist, Democracy and Governance Office	USAID
Kaća Djurićković	Director	Women's Forum
Zorica Jovetić		"Stella" – Cetinje
Jamie Factor	Head of Democratisation	OSCE
Slobodanka Karisik	Institutional and Policy Advisor	Council of Europe
Elmira Martenović	Coordinator	Women for a Better Tomorrow – Bijelo Polje
Vesna Medenica	Chief State Prosecutor	Republic of Montenegro
Tatjana Miranović	Program Assistant-Democratisation	OSCE
Snežana Mijušković	Deputy Minister	Ministry of Labour and Social Welfare
Bojan Obrenovic	National Coordinator	
Aida Petrović	Coordinator	Montenegrin Women's Lobby
Andrijana Radoman		UNDP
Stojanka Radović	Special Prosecutor for Organized Crime	Republic of Montenegro
Ljiljana Raičević	Director	Women's Safe House

Behija Ramović		Association of Roma and Blacksmith Women-Female Heart
Veselin Saranović	Police Anti-Trafficking Unit	Ministry of Interior
Ana Savković	National Program Officer-Democratisation	OSCE
Dušica Živković	Project Assistant	IOM
Marijana Živković	Counselor	Ministry of Foreign Affairs

ANNEX B

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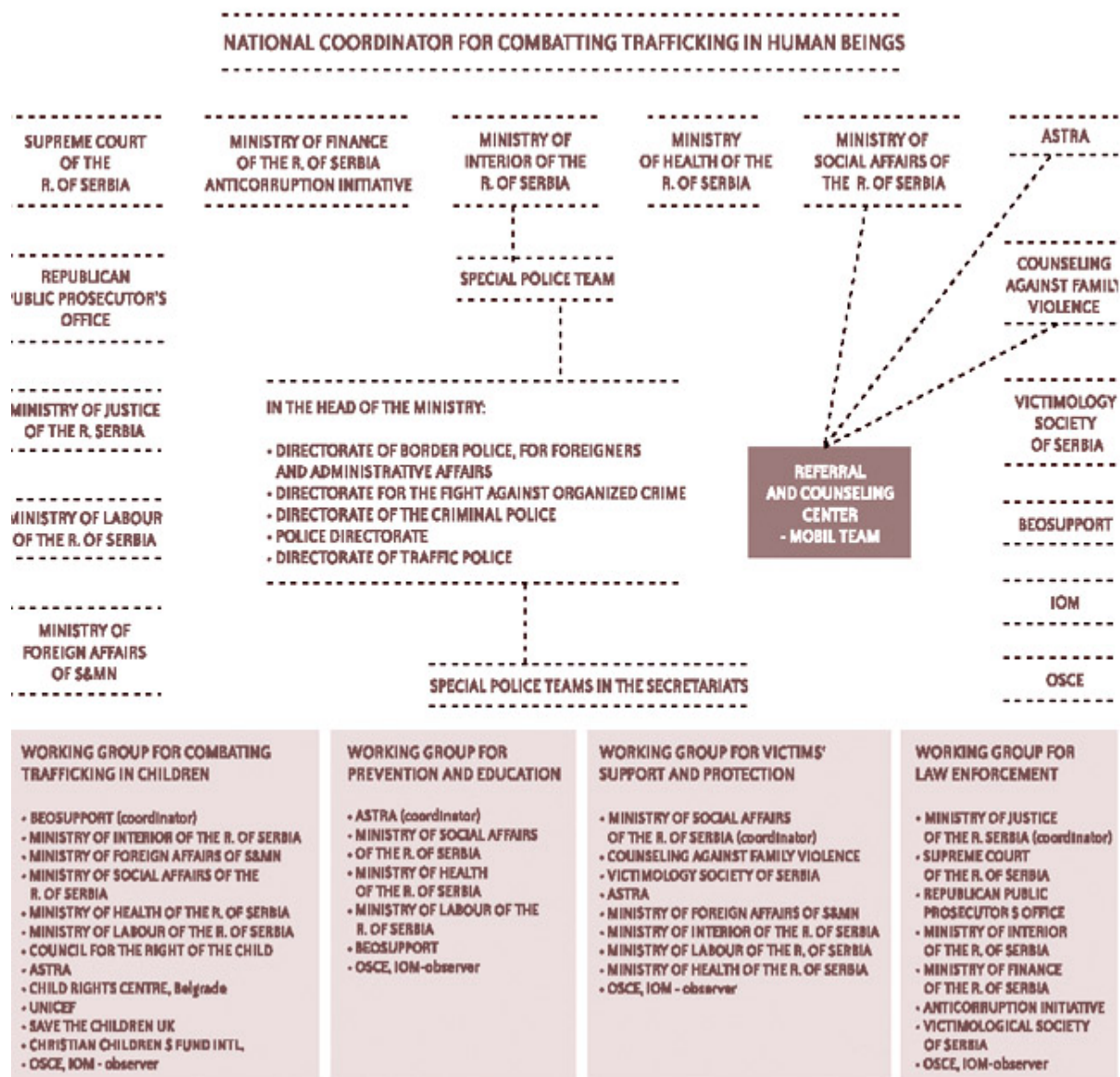
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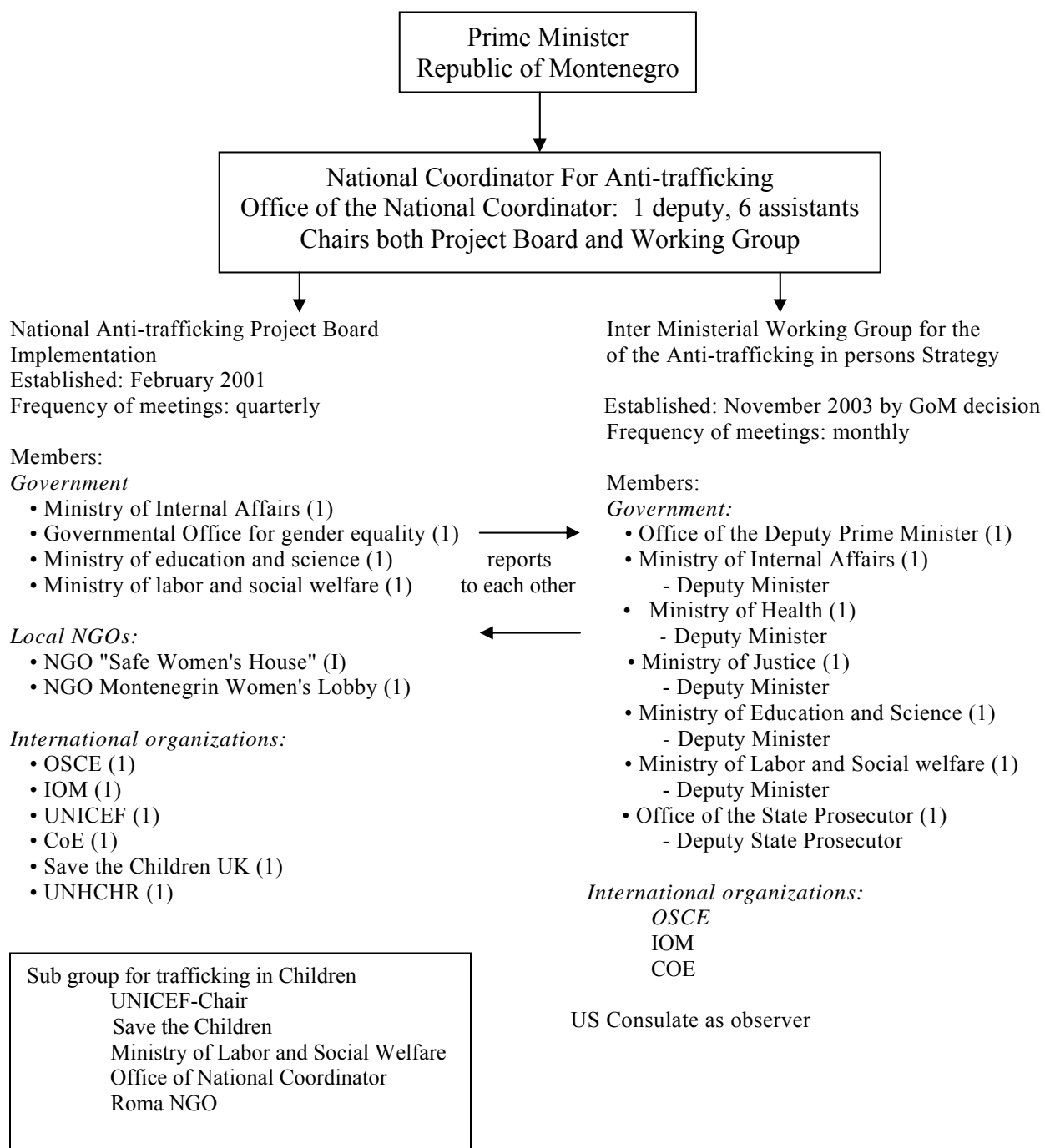
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ANNEX C

TEAM FOR COMBATTING TRAFFICKING IN HUMAN BEINGS OF REPUBLIC OF SERBIA



ANNEX D



ANNEX E

List of Organizations and their Activities

	ORGANIZATION	Contact Persons	Status	Basic Focus	AT Activities Undertaken	Planned activities (2005)
1	ASTRA	Marija Andjelkovic Tamara Vukasovic	NGO	Combating TIP	SOS hotline + prevention programs + research + assistance to the victims	ACTA Network + campaign + trainings for police, judiciary, social workers, staff of consular missions + Tip line for checking job ads + manual + documentary + book presentation + monitoring and reporting + research + meeting place
2	Anti-Trafficking Center ATC	Sandra Ljubinkovic	NGO	Combating TIP	prevention + MTV EXIT festival campaign	Prevention + peer program
3	Beosupport	Ana Dimcevska	NGO	Support for exploited children and youth	TIP awareness campaign + prevention of exploitation of children	Preventive peer program + Cooperation with media + different youth magazines
4	Victimology Society of Serbia	Vesna Nikolic Ristanovic	NGO	Enhancing protective mechanisms for victims	Training for judiciary + research + victim support service	Participate in drafting NAP + advocating for specific medical guidelines related to TIP
5	Counseling for Women/Shelter	Vesna Stanojevic	NGO	Assisting women survivors of violence	Shelter + psycho-social and legal assistance to the victims	Shelter + providing adequate accommodation for minors
6	ATINA Shelter	Marijana Savic Ksenija Burzan	NGO	Reintegration of victims of trafficking	Shelter + psycho-social support + assistance in providing job skill training	Expanding the shelter + enhancing reintegration + monitoring

7	IOM	Rebecca Surtees Jovana Skrnjug	IO	Managing migration for benefit of all	Support for shelters + monitoring and reporting + medical care + legal assistance	Support for shelters + monitoring + workshops + economic empowerment program + CT training for law enforcement and Ministry of Foreign Affairs
8	OSCE	Madis Vainomaa Aleksandra Vidojevic	IO	Security and cooperation in Europe	Support for RCC + training for police + media reform	Training for judiciary + Support for RCC + assisting in drafting NAP + trial monitoring
9	ABA CEELI	Douglas T. Francis Nikola Vojnovic	IO	Advancement of the rule of law	Legal reforms + training for Magistrates + production of instructional video for magistrates	Training for Magistrates (including the issue of family violence)
10	Sida	Snezana Nenadovic Per Byman	IO	International development and cooperation	Support for ASTRA and ATC + MTV EXIT campaign	Assessment for the long term strategy regarding TIP
11	Freedom House	Sandra Dabic Stanic	IO	Advancement of political and economic freedom throughout the world	Support for MTV EXIT campaign	No specific TIP programs
12	Catholic Relief Service	Shannon Oliver	IO	Assisting the poor and disadvantaged	research	research + cross border cooperation for effective victim assistance
13	International Centre for Migration Policy Development - ICMPD	Brankica Grupkovic	IO	Migration policy development	Assistance in drafting the National Action Plan (NAP) for combating TIP	Development of mechanisms for self-monitoring and regional cooperation
14	Ministry of Interior / Border Police Division	Dusan Zlokas Mitar Djuraskovic	GO	Law enforcement / Border control and management	Training for border police units + providing reports +	Pro-active approach + developing special investigative techniques + training for the remaining border police units

15	The Agency for Coordination of Assistance to Victims of Trafficking	Aleksandar Olenik Biljana Zoranovic -Avlijas	GO	Immediate assistance to the victims of trafficking	Support and assistance to the victims + referral + cooperation with the court + protection of witnesses	Witness protection + prevention of secondary victimization
16	INTERPOL	Milos Oparnica Sergej Uljanov	GO	International cooperation in combating crime	Regional exchange of information + identification of traffickers	Regional exchange of information + identification of traffickers
17	Belgrade Centre for Human Rights	Andjelka Markovic	NGO	Human Rights	research + training for legal professional on European Convention on Human Rights	Advocating for seizure of assets
18	AWIN	Sonja Drljevic	NGO	Improving the quality of women's lives	Job skill training for at-risk population + program for peer education/young women	No specific TIP programs
19	Women at Work	Milica Gudovic	NGO	Economic empowerment of women	Job skill training for at-risk population + program for peer education/young women	No specific TIP programs
20	Autonomous Women's Center/Justicia	Bobana Macanovic Tanja Labus	NGO	Combating sexual abuse	Legal assistance to the victims	No specific TIP programs
21	Children's Roma Center	Milica Simic	NGO	Support for street children	No specific programs, however, provided support for few trafficked Roma children	No specific TIP programs + possible stakeholders in protection of Roma children